



**TOWN OF HARPSWELL
PLANNING BOARD STAFF REVIEW COMMITTEE
Minutes of May 7, 2014**

STAFF REVIEW COMMITTEE

David Chipman, Planning Board Chair
William Wells, Code Enforcement Officer
Carol Eyerman, Town Planner

STAFF PRESENT

Diane Plourde, Recording Secretary
ABSENT

The Planning Board's Staff Review Committee ("the Committee") meeting, being duly advertised in the *Brunswick Times Record*, was called to order at 2:00 PM by David I. Chipman, Planning Board Chair.

ITEM 1

14-05-01SR – DOLPHIN MARINE SERVICES, INC. (APPLICANT), BILL SAXTON (REPRESENTATIVE) MAP 17 LOT 34, 515 BASIN POINT, HARPSWELL – SITE PLAN REVIEW

Bill Saxton explained the need to add footage to the existing wharf and the need for a shed on that wharf to hold equipment used on a day to day basis. He stated the importance of someone staying on the wharf during the day, without having to walk up the ramp to the building now used to make final fuel sales, computer logs and also to retrieve emergency equipment. He also noted that the proposed extension wharf will be strong enough to hold a shed.

Public Comments: None

Exhibit A – Site Plan Review Ordinance Approval Standards and Criteria

David Chipman moved seconded by Carol Eyerman that Sections 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.11, 15.12, 15.13, 15.14, 15.15, 15.16B and 15.22 of the Site Plan Review Ordinance do not apply. Approved 3-0

Under Section 15.1 of the Site Plan Review Ordinance:

David Chipman moved seconded by Bill Wells that the project does meet the dimensional requirements of the Basic Land Use Ordinance and/or Shoreland Zoning Ordinance, as applicable, based on the fact that: The Code Office review dated April 29, 2014 finds that the dimensional requirements are met. Approved 3-0

Under Section 15.2 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the project does reflect that the natural capabilities of the site to support the development, and that environmentally sensitive areas and natural drainage areas will be preserved and protected to the maximum extent, based on the fact that: The wharf addition is in a location that can support development of this size. Construction is proposed with a minimum number of pilings and attached to the existing wharf. According to the application, construction will start during the spring and finish before summer. Approved 3-0

Under Section 15.10 of the Site Plan Review Ordinance:

David Chipman moved seconded by Bill Wells that the project does demonstrate that all structures and roads harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible to control erosion, and that filling, excavation, and

earth moving activity will be minimized, based on the fact that: The proposed wharf addition is anticipated to have almost no soil erosion. The erosion control plan includes appropriate steps to prevent erosion. **Approved 3-0**

Under Section 15.16 of the Site Plan Review Ordinance:

David Chipman moved seconded by Bill Wells that the project does demonstrate that there will be no release of harmful substances that would pollute, harm, or cause nuisance in any receiving waters, and all storage facilities for chemicals, industrial wastes, or biodegradable materials comply with regulations of the Maine Department of Environmental Protection (DEP) and the State Fire Marshal's Office, based on the fact that: The applicant has stated in the application that they will continue to use and abide by all State and Federal guidelines for the storage and disposal of any chemicals. **Approved 3-0**

Under Section 15.17 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the project does demonstrate that the handling, storage, and use of all hazardous, special, or radioactive materials will be performed in accordance with all applicable federal and state agencies, including DEP regulations and local rules, based on the fact that: The applicant has stated in the application that they will continue to use and abide by all State and Federal guidelines for the storage and disposal of any hazardous, special, or radioactive materials. **Approved 3-0**

Under Section 15.18 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the project does demonstrate that all solid, special, and hazardous wastes will be disposed at licensed facilities that have the capacity to accept the wastes, based on the fact that: The applicant has stated in the application that they will continue to use and abide by all State and Federal guidelines for the storage and disposal of any solid, special, and hazardous wastes. **Approved 3-0**

Under Section 15.19 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the project does demonstrate that the development is designed to protect and preserve archaeological and historic sites identified by the Staff Review Committee, based on the fact that: The applicant has submitted a letter to the Maine Historic Preservation Commission and has not received a response as of this writing. A final determination from the Maine Historic Preservation Commission was received on December 20, 2013. **Approved 3-0**

Under Section 15.20 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the project does demonstrate that all use and development of portions of the site within a special flood hazard area are consistent with the Town's Floodplain Management Ordinance, based on the fact that: The Code Enforcement Office found in the review dated April 29, 2014 that the proposed development is within the 100 year floodplain and that the application meets the Floodplain Management Ordinance requirements. **Approved 3-0**

Under Section 15.21 of the Site Plan Review Ordinance:

David Chipman moved seconded by Carol Eyerman that the applicant has demonstrated the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan, based on the fact that: The applicant has submitted a letter stating that they have financial and technical resources to carry out this project. Approved 3-0

Exhibit B – Section 15 of the Shoreland Zoning Ordinance

15.3. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over Or Below The Maximum High Water Line Of A Water Body Or Within A Wetland.

15.3.1. Under Section 15.3.1 of the Shoreland Zoning Ordinance:

David Chipman moved seconded by Carol Eyerman that the applicant has demonstrated that access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion, based on the fact that: The access has existed for the business for approximately 50 years, appears to be adequate and safe, and is not proposed to be changed. Approved 3-0

15.3.2. Under Section 15.3.2 of the Shoreland Zoning Ordinance

David Chipman moved seconded by Bill Wells that the applicant has demonstrated that the location shall not interfere with existing developed or natural beach areas, based on the fact that: The business exists and there does not appear to be a beach area near the existing site. Approved 3-0

15.3.3. Under Section 15.3.3 of the Shoreland Zoning Ordinance

David Chipman moved seconded by Carol Eyerman that the applicant has demonstrated that the facility shall be located so as to minimize adverse effects on fisheries, based on the fact that: The addition to this existing facility is minimal and should not have any adverse effects on fisheries. Approved 3-0

15.3.4. Under Section 15.3.4 of the Shoreland Zoning Ordinance

David Chipman moved seconded by Bill Wells that the applicant has demonstrated that the facility is no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area, based on the fact that: The proposed expansion is consistent with the other uses within the immediate area. There is a fishing related business next to this one. Approved 3-0

15.3.4.2. Commercial piers, docks, and wharves shall be limited to twelve (12) feet in width. The width of larger projects shall be justified by the applicant and approved by the Planning Board.

David Chipman moved seconded by Bill Wells that the applicant has demonstrated that the larger width is justified, based on the fact that: The applicant states in the application that storage of safety equipment on the wharf is required for quick access for portable saltwater pump and in the event of emergency or spill. Approved 3-0
Approved 3-0

David Chipman moved seconded by Bill Wells that Sections 15.3.5, 15.3.6, 15.3.7, 15.3.8, and 15.3.9 of the Shoreland Zoning Ordinance do not apply. Approved 3-0

Conclusions of Law:

David Chipman moved seconded by Carol Eyerman that the Staff Review Committee finds that the application is complete. Approved 3-0

David Chipman moved seconded by Carol Eyerman that the applicant, Dolphin Marine Services, Inc., has met the standards of the Town of Harpswell Shoreland Zoning Ordinance and Site Plan Review Ordinance and to approve the application and site plan with the following standard conditions of approval:

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Staff Review Committee.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
All work shall be completed in conformance with the approved plans, as revised November 15, 2013.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Staff Review Committee prior to implementation.
4. If necessary, no work shall be started until the applicant has established a performance guarantee acceptable to the Staff Review Committee.
5. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Staff Review Committee for review and approval of an amended application.
6. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.
7. All work shall be completed in accordance with Section 15.16 of the Shoreland Zoning Ordinance.

And to approve the application and site plan with the following additional Condition(s) of

Approval: *This is for the addition to the wharf only and does not include a dock house.* **Approved 3-0**

The Chair adjourned the meeting at 2:40 PM

Respectfully Submitted,

Diane E. Plourde
Recording Secretary